

☒ FILED ☐ LODGED
☐ RECEIVED ☐ COPY
MAR 30, 2005
CLERK US DISTRICT COURT
DISTRICT OF ARIZONA
BY /s/ D. Lucas DEPUTY

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

In the matter of)
)
GUIDELINES AND PLAN FOR)
ADMINISTRATION OF NON-APPROPRIATED) GENERAL ORDER 05-01
FUNDS)
)
SUPERSEDES GENERAL ORDER 04-22)
_____)

The Guidelines and Plan for Administration of Non-Appropriated Funds for the District of Arizona promulgated in General Order 04-22 is vacated, and the following plan is substituted as the Guidelines and Plan for the District of Arizona.

I. GENERAL

a. Attorneys admitted to practice in the District of Arizona under the conditions prescribed in LRCiv 83.1(a) are required to pay an admission fee as prescribed in LRCiv 1.5(a). \$150 of that fee will be deposited in the Treasury of the United States as required by 28 U.S.C. § 751(e), and the remaining \$30 will be deposited in a local bank account in the name of the District of Arizona Non-Appropriated Fund to be administered as provided herein. The \$100 fee collected by the Clerk for admission of attorneys pro hac vice, according to LRCiv 83.1(b)(3), will also be deposited in a local bank account in the name of the District of Arizona Non-Appropriated Fund to be administered as provided herein.

II. POLICIES, RESPONSIBILITIES AND PROCEDURES

a. Funds derived from attorney admission fees, that are in excess of those required to be deposited in the Treasury of the United States, are non-appropriated funds and are not the property of the United States.

1 b. The Clerk of the United States District Court for the District of Arizona is designated
2 as Custodian of the Non-Appropriated (Library) Fund.

3 c. The Custodian shall cause the fund to be audited on at least an annual basis, and at
4 such other times as deemed necessary or as directed by the Advisory Committee or the Court, and
5 will provide an annual report to the Court on the status, balance, and utilization of the fund.

6 d. The Custodian will be responsible for the following:

7 (1) Receiving, safeguarding, depositing, distributing, and accounting for all
8 funds in accordance with this Plan or as directed by the Advisory Committee.
9 Recurring expenses that have been authorized by the Advisory Committee for
10 payment, non-recurring expenses that have been specifically so authorized, and
11 expenses authorized by paragraph IV.d(9) of this Order shall be paid by the
12 Custodian. All disbursements shall require the signature of the Custodian and will
13 be countersigned by a member of the Advisory Committee.

14 (2) Establishing a checking and deposit account in a local bank.

15 (3) Establishing and maintaining an accounting system that provides the
16 records necessary for audit trail and recordation of all funds and
17 disbursements.

18 (4) Preparing periodic financial statements and operating reports as required,
19 and certifying that the statements and reports accurately reflect the financial
20 condition of the fund.

21 (5) Upon recommendation and advice of the Advisory Committee, investing
22 funds in excess of immediate needs in appropriate interest bearing accounts.

23 **III. RESPONSIBILITIES UPON APPOINTMENT OF A SUCCESSOR**

24 a. When a successor Custodian is appointed, the outgoing Custodian will prepare and
25 sign the following statements in conjunction with an exit audit conducted by an auditor or
26 disinterested person designated by the Advisory Committee:

27 (1) A statement of assets and liabilities.

28 (2) A statement of operation or of receipts and disbursements since the period

covered by the last statement of operation prepared by the Court.

(3) A statement of the balance in any fund account as of the date of transfer to the successor Custodian.

b. The successor Custodian will execute a receipt for all funds after being satisfied as to the accuracy of the statements and records provided by the outgoing Custodian.

IV. ADVISORY COMMITTEE

An Advisory Committee, to be appointed by the Court, for the purpose of advising the Court and the Custodian on matters of policy in the administration of the fund will be composed as follows:

Chief Judge or Designee
Tucson Division Judge
Phoenix Division Judge
A Bankruptcy Judge
A Full-time Magistrate
District Court Executive/Clerk of Court - Custodian
Representative of the Bar

The fund is subject to audits by the Administrative Office of the United States Courts if requested or authorized by the United States District Court for the District of Arizona, or the Ninth Circuit Council Executive Committee. The court may appoint an outside auditor to conduct such audits as the Court determines may be necessary or appropriate.

a. All receipts should be deposited only in federally insured banks (FDIC), and whenever practical or feasible, all substantial sums should be placed in secured interest-bearing accounts. Efforts will be made to maximize the return on instruments consistent with the requirements of convenience and safety and with the approval of the Advisory Committee.

b. Attorney admission fees collected by the Clerk which are in excess of the amount prescribed by the Judicial Conference and deposited to the Treasury of the United States, constitute non-appropriated funds and shall not be used for purposes which do not insure to the benefit of the members of the Bench and Bar in the administration of justice.

c. Non-appropriated funds will not be used to pay for material or supplies available from statutory appropriations. Under no circumstances should the fund be used to supplement the salary of any court officer or employee.

d. The following are examples of proper use of the fund but are not intended to be all inclusive.

(1) Attorney admission proceedings (including expenses of admissions committee and admissions ceremonies.)

(2) Attorney discipline proceedings (including expenses of investigating counsel for disciplinary enforcement, travel expenses, and witness fees in disciplinary proceedings.)

(3) Periodicals and publications for court library for which appropriated funds are not available.

(4) Anatomical charts and stands for courtroom use.

(5) Computerization of library catalog.

(6) Lawyer lounge facilities.

(7) Surety bond for the Custodian of the fund. (Bond may only cover monies in the fund.)

(8) Fees for services rendered by outside auditors in auditing the trust.

(9) Reimbursement of out-of-pocket expenses necessarily incurred by court appointed attorneys representing indigents in civil cases not covered by the Criminal Justice Act. Reimbursements will be limited to no more than \$1,000 per case in the discretion of the trial judge and will be payable at the conclusion of the case.

(10) Expenses for the training of court personnel for which appropriated funds are not available, including attendance at conferences and seminars.

e. The following recurring expenses may be paid by the Custodian without reference of the matter to the full committee:

(1)	Subscriptions, Publications, Internet Access and Data Link	\$ 1,500.00
(2)	AZALL Professional Dues	150.00
(3)	U.S. District Court Awards	250.00
(4)	Attorney Admission Certificate Production	100.00

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

(5) Ad Hoc expenses with notification to the full committee 500.00
within 30 days of the expenditure.

DATED this 30th day of March, 2005.

/s/ Stephen M. McNamee
Stephen M. McNamee
Chief United States District Judge